

REMARKS

In response to the Office Action mailed October 13, 2004, Applicants amend their application and request reconsideration. In this Amendment claim 2 is cancelled and claims 13-18 are added so that claims 1 and 3-18 are now pending.

This Application was filed with an Information Disclosure Statement identifying one U.S. patent and a non-patent literature document. The latter document appears in the file history of the patent application. However, a 1449 form was returned with the Office Action, and is part of the image file wrapper for this patent application, which does not pertain to this patent application. Rather, the returned PTO-1449 form, although having the application number of the present application entered by hand, pertains to a patent application owned by Semiconductor Components Industries, LLC. It is believed the application to which the returned PTO-1449 form pertains received an Official Action in September of 2004 and is being examined by the same Examiner. Applicants respectfully request that in the next Official Action the PTO-1449 form that accompanied the Information Disclosure Statement filed with this patent application be completed and returned. A copy of that PTO-1449 form is attached.

Claims 8-12 were allowed. In addition, the Examiner stated that claims 3 and 5 were allowable. Although the parent of those claims is amended here, those claims 3 and 5 remain allowable and therefore no further comment on those claims is required or provided.

In this Amendment claims 1 and 2 are combined and certain other clarifying amendments are made to produce amended claim 1. The incorporation of claim 2 into claim 1 requires the cancellation of claim 2 and the amendment of other claims, at least with regard to their dependency. Claim 1, which encompasses the embodiment of Figure 1, particularly focuses on the unit cell 22 described in the patent application with regard to that embodiment. New claim 13 encompasses the embodiments of Figures 1, 6, and 7 of the patent application and is similar, in some ways, to claim 8. Newly added claims 14-17 are derived from original claims 3, 4, 5, and 6, respectively. New claim 18 is derived from examined claim 10.

Examined claims 1, 2, 4, 6, and 7 were rejected as obvious over Zommer (U.S. Patent 4,931,844), considered by itself. This rejection is traversed both as to the claims examined and the claims now presented. In comparing Zommer to the rejected claims, the language of the claims has not been given appropriate interpretation. Perhaps the most significant and apparent error in the examination is the description of the partial field effect transistor shown in Figure 3 of Zommer stating that the currents from the first and second source regions are collected at the drain region so that the source currents from the two source regions must flow in different directions towards the drain region. First of all, it is apparent by studying Figure 3 of Zommer

that those two currents flow in the same direction namely, essentially vertically downward in that Figure 3 of Zommer. Second, the language of the claim does not describe the flow of currents through source or drain regions or between source and drain electrodes. What was described in the claim, very clearly, is that the “currents carried by the first and second source electrodes flow in opposite directions to each other.” Even if, merely for the sake of argument, the Examiner’s position is accepted the claim language is not met. According to that view, currents flow through the substrate 22 from the two source regions 32 and 32’ to reach the drain electrode, along paths not shown in Figure 3 of Zommer. However, those currents are not currents that are carried by the first and second source electrodes represented by element 39 in Figure 3 of Zommer. Thus, the rejection is traversed as to the rejected examined claims.

In order to advance the prosecution, claims 1 and 2 have been combined and the combined claim has been somewhat clarified. There is no description of any arrangement of first and second source via holes in the structure shown in any figure of Zommer and the Examiner did not show through prior art that the limitation of claim 2 is known. The unsupported assertion appearing at page 3 of the Office Action is simply insufficient to establish legal basis for a proper rejection.

The same comment applies, with even greater force, with regard to the rejection of claim 4. That claim expressly describes an arrangement of structures in a field effect transistor, not shown by the Examiner to be known in the prior art.

Finally, the rejection of claims 6 and 7 is totally erroneous from both a factual and legal standpoint. There was not even an attempt to demonstrate the presence in the prior art of the elements of those claims, much less their electrical and mechanical arrangements that are specifically described in those claims.

If the Examiner expects to maintain the rejection of any of these claims, he must produce a prior art publication at least disclosing the limitations of these claims as a threshold requirement for establishing *prima facie* obviousness.

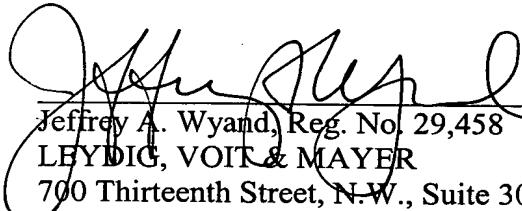
New claims 13-17 are patentable for the same reason that claims 8-12 are patentable. Likewise, new claim 18 is patentable as depending from a patentable claim.

No amendment has been made with respect to the claims indicated as allowable. If the Examiner makes a new rejection as to those claims, the new rejection cannot be a final rejection. Further, any rejection based upon the publications submitted in the earlier Information Disclosure Statement but not considered by the Examiner, according to the PTO-1449 form that was supplied, cannot reasonably be a final rejection.

In re Appln. of INOUE et al.
Application No. 10/770,414

Reconsideration and allowance of all pending claims are earnestly solicited.

Respectfully submitted,


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Amendment or ROA - Regular (Revised 10/21/04)